



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC113

ACTIVITY & USE LIMITATION (AUL) TRANSMITTAL FORM

Pursuant to 310 CMR 40.1056 & 40.1070 - 40.1084 (Subpart J)

Release Tracking Number

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A. DISPOSAL SITE LOCATION:

1. Disposal Site Name: _____
2. Street Address: _____
3. City/Town: _____ 4. ZIP Code: _____
- ☐ 5. Check here if a Tier Classification Submittal has been provided to DEP for this disposal site.
- ☐ a. Tier 1A ☐ b. Tier 1B ☐ c. Tier 1C ☐ d. Tier 2
6. If a Tier I Permit has been issued, provide Permit Number: _____

B. THIS FORM IS BEING USED TO: (check one)

- ☐ 1. Submit a certified copy of a **Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1074.
- ☐ 2. Submit an **Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement** has been filed pursuant to 310 CMR 40.1080.
- ☐ 3. Submit a certified copy of an **Amended Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1081
- ☐ 4. Submit a certified copy of a **Partial Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(3).
- ☐ 5. Submit a certified copy of a **Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(1)(d).
- ☐ 6. Submit a certified copy of a **Grant of Environmental Restriction**, pursuant to 310 CMR 40.1071.
- ☐ 7. Submit a certified copy of an **Amendment of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1081(3).
- ☐ 8. Submit a certified copy of a **Partial Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(2).
- ☐ 9. Submit a certified copy of a **Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(1)(c).
- ☐ 10. Submit a certified copy of a **Confirmatory Activity and Use Limitation**, pursuant to 310 CMR 40.1085(4).
11. Provide Additional RTNs:
- ☐ a. Check here if this AUL Submittal covers additional Release Tracking Numbers (RTNs).
- b. Provide the additional Release Tracking Number(s) covered by this AUL Submittal.

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**(All sections of this transmittal form must be filled out unless otherwise noted above.
BWSC113A is required for all submittals listed above)**



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C. AUL INFORMATION:

1. Document (per Section B) Recording and/or Registration Information:

a. Name of Registry of Deeds and/or Land Registration Office: _____

b. Book and Page Number and/or Document Number: _____

c. Date of recording and/or registration: _____
mm/dd/yyyy

2. Is the address of the property subject to AUL different from the disposal site address listed above?

☐ a. No ☐ b. Yes If yes, then fill out address section below.

3. Street Address: _____

4. City/Town: _____ 5. ZIP Code: _____

D. PERSON SUBMITTING AUL TRANSMITTAL FORM:

1. Check all that apply: ☐ a. change in contact name ☐ b. change of address ☐ c. change in the person undertaking response actions

2. Name of Organization: _____

3. Contact First Name: _____ 4. Last Name: _____

5. Street: _____ 6. Title: _____

7. City/Town: _____ 8. State: _____ 9. ZIP Code: _____

10. Telephone: _____ 11. Ext.: _____ 12. FAX: _____

13. Is the person described in this section the owner of the property?

☐ a. Yes ☐ b. No, if checked then Section G must be filled out by at least one owner.

☐ c. Check here if providing names and addresses of any additional owners in an attachment.

E. RELATIONSHIP TO DISPOSAL SITE OF PERSON SUBMITTING AUL TRANSMITTAL FORM: (check one)

☐ 1. RP or PRP ☐ a. Owner ☐ b. Operator ☐ c. Generator ☐ d. Transporter

☐ e. Other RP or PRP Specify: _____

☐ 2. Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)

☐ 3. Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))

☐ 4. Any Other Person Submitting AUL Specify: _____



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F. REQUIRED ATTACHMENT AND SUBMITTALS:

- ☐ 1. Check here to certify that notice of the proposed Activity and Use Limitation (AUL) was given to all record-interest holders, if any, in accordance with 310 CMR 40.1074(1)(e), via certified mail.
- ☐ a. Check here if there were no record interest holders. b. Date of certified mailing: _____
mm/dd/yyyy
- ☐ c. Check here to certify that names and addresses of all record holders notified is attached.
- ☐ 2. Check here to certify that within 30 days of recording and/or registering the AUL, including amending, releasing or terminating the AUL, a copy of the AUL was/will be provided to the Chief Municipal Officer, the Board of Health, the Zoning Official, and the Building Code Enforcement Official in the community(ies) where the the property subject to such Activity and Use Limitation is located.
- ☐ 3. Check here to certify that within 30 days of recording and/or registering the AUL, including amending, releasing or terminating the AUL, a Legal Notice was/will be published in a newspaper with circulation in the community(ies) where the property subject to the AUL is located.
- ☐ 4. Check here to certify that within 7 days of publishing a Legal Notice in a newspaper with circulation in the community(ies) where the property subject to the AUL is located, a copy of the notice was/will be submitted to DEP.
- ☐ 5. Check here to certify that within 30 days of recording and/or registering the AUL, including amending, releasing or terminating the AUL, a certified copy of the AUL, including the LSP Opinion containing the material facts, data, and other information, will be submitted to DEP.
- ☐ 6. Check here if any non-updatable information provided on this form is incorrect, e.g. Site Address/Location Aid. Send corrections to the DEP Regional Office.
- ☐ 7. If an **Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement** is being submitted, check here to certify that the LSP Opinion containing the material facts, data, and other information is attached.

G. CERTIFICATION OF OWNER OF PROPERTY, IF NOT PERSON SUBMITTING AUL TRANSMITTAL FORM:

1. I, _____, attest under the pains and penalties of perjury that I am the owner of said property(ies), subject to the AUL

2. _____ 3. Date: _____
Signature mm/dd/yyyy

4. Name of Organization: _____

5. Contact First Name: _____ 6. Last Name: _____

7. Street: _____ 8. Title: _____

9. City/Town: _____ 10. State: _____ 11. ZIP Code: _____

12. Telephone: _____ 13. Ext.: _____ 14. FAX: _____



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H. CERTIFICATION OF PERSON MAKING SUBMITTAL:

1. I, _____, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

Pursuant to 310 CMR 40.1074 (1)(f), I also hereby certify under penalties of perjury, that either I (if person submitting the AUL Transmittal Form is the property owner), or

2. Name of Property Owner _____

am/is identified on the Notice of AUL as the owner of the property subject to the AUL, owned such property on the date that the AUL was recorded and /or registered

3. By: _____ 4. Title: _____
Signature

5. For: _____ 6. Date: _____
(Name of person or entity recorded in Section D) mm/dd/yyyy

☐ 7. Check here if the address of the person providing certification is different from address recorded in Section D.

8. Street: _____

9. City/Town: _____ 10. State: _____ 11. ZIP Code: _____

12. Telephone: _____ 13. Ext.: _____ 14. FAX: _____

YOU MUST LEGIBLY COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE.

Date Stamp (DEP USE ONLY:)

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BWSC113A

ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Pursuant to 310 CMR 40.1056 & 40.1070 - 40.1084 (Subpart J)

Release Tracking Number

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A. DISPOSAL SITE LOCATION:

1. Disposal Site Name: _____
2. Street Address: _____
3. City/Town: _____ 4. ZIP Code: _____

B. THIS FORM IS BEING USED TO: (check one)

- ☐ 1. Provide the LSP Opinion for a **Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1074.
- ☐ 2. Provide the LSP Opinion for an **Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement**, pursuant to 310 CMR 40.1080. Include BWSC113A as an attachment to BWSC113. Section A and C do not need to be completed.
- ☐ 3. Provide the LSP Opinion for an **Amended Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1081(4).
- ☐ 4. Provide the LSP Opinion for a **Partial Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(3) .
- ☐ 5. Provide the LSP Opinion for a **Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(1)(d).
- ☐ 6. Provide the LSP Opinion for a **Grant of Environmental Restriction**, pursuant to 310 CMR 40.1071.
- ☐ 7. Provide the LSP Opinion for an **Amendment of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1081(3).
- ☐ 8. Provide the LSP Opinion for a **Partial Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(2).
- ☐ 9. Provide the LSP Opinion for a **Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(1)(c).
- ☐ 10. Provide the LSP Opinion for a **Confirmatory Activity and Use Limitation**, pursuant to 310 CMR 40.1085(4).

(Unless otherwise noted above, all sections of this form (BWSC113A) must be completely filled out, printed, stamped, signed with black ink and attached as an exhibit to the AUL Document to be recorded and/or registered with the Registry of Deeds and/or Land Registration Office.)

C. AUL INFORMATION:

1. Is the address of the property subject to AUL different from the disposal site address listed above?
- ☐ a. No ☐ b. Yes If yes, then fill out address section below.
2. Street Address: _____
3. City/Town: _____ 4. ZIP Code: _____



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D. LSP SIGNATURE AND STAMP:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this transmittal form, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and 309 CMR 4.03(2), and (iii) the provisions of 309 CMR 4.03(3), to the best of my knowledge, information and belief,

> if Section B indicates that a **Notice of Activity and Use Limitation** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1074;

> if Section B indicates that an **Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement** is being submitted, this evaluation was developed in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1080;

> if Section B indicates that an **Amended Notice of Activity and Use Limitation or Amendment to a Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 40.1081;

> if Section B indicates that a **Termination or a Partial Termination of a Notice of Activity and Use Limitation, or a Release or Partial Release of a Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1083;

> if Section B indicates that a **Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1071;

> if Section B indicates that a **Confirmatory Activity and Use Limitation** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1085(4);

I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

1. LSP #: _____

2. First Name: _____ 3. Last Name: _____

4. Telephone: _____ 5. Ext.: _____ 6. FAX: _____

7. Signature: _____ 8. Date: _____

mm/dd/yyyy

9. LSP Stamp: